

FILED: July 3, 2024

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-1157
(5:22-cv-00229-JPB)

WHEELING POWER COMPANY - MITCHELL PLANT, as successor to
Kentucky Power Company - Mitchell Plant,

Plaintiff - Appellant,

v.

LOCAL 492, UTILITY WORKERS UNION OF AMERICA, AFL-CIO,

Defendant - Appellee.

O R D E R

Upon review of the parties' submission in this appeal, the court directs the parties to submit supplemental briefs addressing the following issue:

Whether the district court should have dismissed this action based on the "complete arbitration rule," and whether this court should address that issue in the first instance. *See Peabody Holding Co. v. United Mine Workers of Am., Int'l Union, Unincorporated Ass'n*, [815 F.3d 154, 159-60](#) (4th Cir. 2016).

The Clerk will establish a supplemental briefing schedule by separate order.

For the Court

/s/ Nwamaka Anowi, Clerk